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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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OFFICE OF
PESTICIDES AND TOXIC SUBSTANCES

MEMORANDUM

SUBJECT: PP#5E3236 [RCB#1060]. Metolachlor on Chili Peppers.
Evaluation of Amendment Dated May 16, 1985
[No Accession Number].

FROM: Michael P. Firestone, Ph.D., Chemist *Michael P Firestone*
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THRU: John H. Onley, Ph.D., Section Head *John H. Onley*
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TO: Hoyt L. Jamerson, Minor Use Officer
Process Coordination Branch
Registration Division (TS-767)

and

Toxicology Branch
Hazard Evaluation Division (TS-769)

IR-4 has submitted this amendment, consisting of a cover letter from Dr. M. E. Burt, Associate Coordinator of IR-4, to H. L. Jamerson of EPA and a revised Section B/label, in response to a deficiency cited in RCB's expedited review of the original submission (see M. Firestone memo of 4/26/85).

This deficiency will be restated below, followed by the petitioner's response and RCB's comments/conclusions.

Deficiency 3

Based on the residue data generated on chili peppers, RCB could recommend for approval of the proposed 0.5 ppm metolachlor tolerance on chili peppers grown in the state of New Mexico only provided the petitioner is willing to submit a revised Section B/label in which the proposed PHI is increased from 39 days to 65 days.

Should the petitioner seek approval of a PHI of less than 65 days, additional residue data supporting such a use will be required.

Petitioner's Response

Section B/label has been revised so that the minimum PHI is increased to 65 days.

The label continues to state the following:

"Based on available residue data, this use is limited to New Mexico."

RCB's Comments/Conclusions re: Deficiency 3

Deficiency 3 has now been successfully resolved.

Other Considerations

An International Residue Limit Status sheet is attached to RCB's 4/26/85 review of the subject petition (M. Firestone memo). Since there are no Codex, Canadian, or Mexican limits/tolerances for residues of metolachlor in/on chili peppers, RCB does not anticipate a compatibility problem..

Recommendation

RCB recommends for establishment of the proposed 0.5 ppm metolachlor tolerance for chili peppers grown in the state of New Mexico only, TOX and EAB considerations permitting.

RCB also recommends establishing a separate subsection under 40 CFR 180.368 for this "tolerance with regional registration" to avoid confusion regarding future 24(c) registrations and crop-grouping eligibility. This "tolerance with regional registration" would be referenced along with future regional registration tolerances in a new subsection (n) under 40 CFR 180.1 which would define the Agency's interpretation of "tolerances with regional registration." One suggested interpretation of 40 CFR 180.1, subsection "n", would be:

Certain tolerances are based on geographically limited residue data. These "tolerances with regional registration" are included in separate subsections under 40 CFR 180.101 through 180.999. In order to expand the area of usage on these crops, additional residue data generated in these areas will be required. Persons seeking geographically broader registration on these crops should contact the appropriate EPA product manager concerning whether additional residue data are required.

It should be noted that in the CFR there are currently two separate sections on metolachlor on (a) Specific Tolerances and (b) Indirect or Inadvertant Tolerances, so adding another section should not present a major problem.